

**UNITED STATES BANKRUPTCY ADMINISTRATOR  
NORTHERN DISTRICT OF ALABAMA**

**NOTICE OF ADDITIONAL FEES**

Take notice that the Judicial Conference of the United States has authorized the assessment of quarterly fees in all Chapter 11 cases filed on or after April 1, 2002. This assessment is made pursuant to 28 U.S.C. § 1930(a)(7).

The quarterly fee will be calculated on a graduated scale based on the total sum of disbursements made during a calendar quarter. The fee will increase as disbursements increase. If no disbursements are made in a calendar quarter, the minimum quarterly fee is required to be paid. The fee shall be payable on the fifteenth (15<sup>th</sup>) day of the calendar month following the calendar quarter for which the fee is owed. The fee shall be paid for each calendar quarter until the case is converted, dismissed, or closed, whichever occurs first.

The following is a summary of the statutory fee schedule:

<b>Disbursements Per Quarter</b>	<b>Quarterly Fee</b>
Less than \$15,000	\$250
Total \$15,000 or more but less than \$75,000	\$500
Total \$75,000 or more but less than \$150,000	\$750
Total \$150,000 or more but less than \$225,000	\$1,250
Total \$225,000 or more but less than \$300,000	\$1,500
Total \$300,000 or more but less than \$1,000,000	\$3,750
Total \$1,000,000 or more but less than \$2,000,000	\$5,000
Total \$2,000,000 or more but less than \$3,000,000	\$7,500
Total \$3,000,000 or more but less than \$5,000,000	\$8,000
Total \$5,000,000 or more	\$10,000

Please contact the United States Bankruptcy Administrator for further information.

# **UNITED STATES BANKRUPTCY ADMINISTRATOR NORTHERN DISTRICT OF ALABAMA**

## **INSTRUCTIONS CONCERNING CHAPTER 11 QUARTERLY FEES**

### **I. INTRODUCTION**

All Chapter 11 cases are subject to a quarterly fee. This fee helps fund the operation and maintenance of the Courts of the United States.

The fee must be paid to the Clerk, U.S. Bankruptcy Court for every calendar quarter (including any fraction thereof), from the time the petition is filed until the date of entry of an order dismissing, converting, or closing the case. The fee is applicable to each and every case commenced under Chapter 11 regardless of whether the case has been administratively consolidated with any other case.

**Cases pending during even one day during a quarter will be required to pay the fee applicable to that entire quarter.**

The debtor is responsible for the prompt and full payment of this fee. The amount varies depending upon the dollar value of **all disbursements** made during the calendar quarter; however, a minimum fee of \$250.00 is due each quarter even if no disbursements are made during the quarter.

All quarterly fees must be paid before a Chapter 11 plan can be confirmed. Section 1129(a)(12) of the Code states: "The Court shall confirm a plan only if all of the following requirements are met. All fees payable under section 1930, as determined by the court at the hearing on the confirmation of the plan, have been paid or the plan provides for the payment of all such fees on the effective date of the plan."

Please make all checks payable to the "Clerk, U.S. Bankruptcy Court." The debtor's case number must be written on the face of the check and the check should be attached to the original of the Quarterly Fee Statement filed with the clerk. (See Attached Exhibit A.)

If any check is returned marked "Insufficient Funds" or for any other reason, all future quarterly fee payments must be made by cashier's check, certified funds or postal money order.

**FAILURE TO MAKE PAYMENT IN FULL WHEN DUE WILL RESULT IN THE FILING OF A MOTION TO DISMISS OR CONVERT THE CASE.**

## **II. QUARTERLY FEE SCHEDULE**

<b>Disbursements Per Quarter</b>	<b>Quarterly Fee</b>
Less than \$15,000	\$250
Total \$15,000 to less than \$75,000	\$500
Total \$75,000 to less than \$150,000	\$750
Total \$150,000 to less than \$225,000	\$1,250
Total \$225,000 to less than \$300,000	\$1,500
Total \$300,000 to less than \$1,000,000	\$3,750
Total \$1,000,000 to less than \$2,000,000	\$5,000
Total \$2,000,000 to less than \$3,000,000	\$7,500
Total \$3,000,000 to less than \$5,000,000	\$8,000
Total \$5,000,000 or more	\$10,000

## **III. QUARTERLY FEE DUE DATES**

<b>Calendar Quarter</b>	<b>Ending</b>	<b>Due Date for Payment</b>
1st Quarter Jan-Feb-Mar	March 31	April 15
2nd Quarter Apr-May-Jun	June 30	July 15
3rd Quarter Jul-Aug-Sep	September 30	October 15
4th Quarter Oct-Nov-Dec	December 31	January 15

It is the debtor's independent responsibility to ensure these fees are paid on or before the due date. The debtor will receive no bill.

## **IV. QUARTERLY FEE STATEMENTS**

Fed. R. Bankr. P. 2015(a)(5) requires that a debtor-in-possession file with the Bankruptcy Court and transmit to the United States Bankruptcy Administrator a statement of disbursements made during a calendar quarter, the amount of quarterly fees owed, and the amount of fees paid. The Quarterly Fee Statement (see Attached Exhibit "A") must be filed with the Bankruptcy Court and transmitted to the United States Bankruptcy Administrator on or before the fifteenth (15<sup>th</sup>) day of the month after the end of each calendar quarter. The check for the quarterly fees should be attached to the original of the statement filed with the Court. *Even if a plan has been confirmed, this report must be timely submitted by all Chapter 11 debtors until the case has been converted, dismissed, or closed.*

**VOLUNTARY DISMISSAL OF CASE:** If you seek to voluntarily dismiss your case, you must tender a copy of the check, payable to the Clerk, U.S. Bankruptcy Court, representing payment of the quarterly fee together with a completed Quarterly Fee Statement to the United States Bankruptcy Administrator's representative attending the hearing on dismissal. Failure to tender the quarterly fee will result in the United States Bankruptcy Administrator's opposing dismissal of the case and requesting its conversion to a Chapter 7 liquidation.

## **V. COLLECTION ACTIONS**

Failure to pay quarterly fees pursuant to 28 U.S.C. § 1930 has significant legal consequences. The United States Bankruptcy Administrator will move for dismissal or conversion of your Chapter 11 case if you fail to make payment when due. Additionally, please be advised that, pursuant to the Debt Collection Improvements Act of 1996, Public Law 104-134, Title III, § 31001(I)(3)(A), 110 Stat. 1321-365, codified at 31 U.S.C. § 3701, *et. seq.*, the United States Bankruptcy Administrator may use the debtor's Taxpayer Identification Number ("TIN") as reported by the debtor or debtor's counsel in connection with the Chapter 11 bankruptcy proceedings for the purpose of collecting and reporting on any delinquent debt, including Chapter 11 quarterly fees.

The United States Bankruptcy Administrator may provide the debtor's TIN to the Department of Treasury for its use in attempting to collect overdue debts. Treasury may take the following steps: (1) submit the debt to the Internal Revenue Service Offset Program so that the amount owed may be deducted from any payment made by the federal government to the debtor, including but not limited to tax refunds; (2) report the delinquency to credit reporting agencies; (3) send collection notices to the debtor; (4) engage private collection agencies to collect the debt, and (5) engage the United States Attorney's office to sue for collection. Collection costs will be added to the total amount of the debt.

## **VI. POST CONFIRMATION QUARTERLY REPORTS**

Although monthly operating reports are not required for periods after confirmation, the debtor or other plan proponent is required to submit and file a Post Confirmation Quarterly Report concerning the status of plan payments (See Attached Exhibit "B"), together with a check in payment of the Quarterly Fee due for that period. Like the Quarterly Fee Statement, these Post Confirmation Quarterly Reports and applicable payments are due fifteen (15) days after the calendar quarter ends. For example, if the case is confirmed on June 20, the final operating report covers the period from May 1 to June 20. For purposes of this example, the first Post Confirmation Quarterly Report and payment would be due on July 15, covering the period from June 21 through June 30.

Questions regarding these instructions and reporting requirements should be referred to your lawyer. The United States Bankruptcy Administrator reserves the right to require additional information as may be necessary for the administration of the case.

**EXHIBIT "A"**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**IN RE:**

**<<DEBTOR NAME>>**

**Debtor.**

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**BANKRUPTCY CASE NUMBER**

**Chapter 11**

**QUARTERLY FEE STATEMENT  
Pursuant to Fed. R. Bankr. P. 2015(a)(5)**

FOR CALENDAR QUARTER ENDING \_\_\_\_\_, 20\_\_\_\_

**DISBURSEMENTS\***

- | 1.                                 | MONTH  | DISBURSEMENTS |
|------------------------------------|--|---------------|
|                                    | _____  | \$ _____      |
|                                    | _____  | \$ _____      |
|                                    | _____  | \$ _____      |
| TOTAL DISBURSEMENTS<br>FOR QUARTER |  | \$ _____      |
| 2.                                 | QUARTERLY FEE OWED PURSUANT TO<br>28 U.S.C. § 1930(a)(7) | \$ _____      |
| 3.                                 | QUARTERLY FEE PAID<br>(Attach proof of payment)          | \$ _____      |
| 4.                                 | AMOUNT OF UNPAID FEES (IF ANY)                           | \$ _____      |

**DECLARATION UNDER PENALTY OF PERJURY**

I, \_\_\_\_\_, acting as the duly authorized agent for the  
Debtor-

<<<Debtor Name  
<<<Case Number  
<<<Quarterly Fee Statement  
<<<Page Two

In-Possession (Trustee) (Plan Administrator) declare under penalty of perjury under the laws of the United States that I have read and certify that the figures, statements, disbursement itemizations, and account balances as listed in this Quarterly Fee Statement are true and correct as of the date of this report to the best of my knowledge, information and belief.

DATED: \_\_\_\_\_

\_\_\_\_\_  
For the Debtor-In-Possession (Trustee) (Plan Adm.)

(Print or type name and  
capacity of person signing  
this Declaration.)

\_\_\_\_\_  
\_\_\_\_\_

**The check for payment of the quarterly fee MUST be attached to the original of this  
Quarterly Fee Statement filed with the Clerk of Court.**

\*For periods subsequent to plan confirmation, this includes payments pursuant to a confirmed plan as well as all other disbursements.

----- FILE ORIGINAL WITH COURT.

----- DELIVER STAMPED COPY TO U.S. BANKRUPTCY ADMINISTRATOR.

**EXHIBIT "B"**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**IN RE:**

**<<DEBTOR NAME>>**

**Debtor.**

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}

**BANKRUPTCY CASE NUMBER**

**Chapter 11**

**CHAPTER 11 POST CONFIRMATION QUARTERLY REPORT  
FOR QUARTER ENDED \_\_\_\_\_**

**Total Disbursements for Quarter**

**ALL** disbursements made by the debtor during the current quarter, whether under the plan or not, must be accounted for and reported on this form and on the attached Quarterly Fee Statement for purposes of calculating quarterly fees.

Amounts disbursed under the plan	\$ _____
Other disbursements, including operating expenses	_____
Total Disbursements	_____

**Summary of Amounts Distributed Under the Plan:**

	Current Quarter	Paid to Date	Balance Due
<b>A. Fees and Expenses:</b>			
1. Trustee Compensation	_____	_____	_____
2. Fee for Attorney for Trustee	_____	_____	_____
3. Fee for Attorney for Debtor	_____	_____	_____
4. Other professionals	_____	_____	_____
5. All expenses, including trustee	_____	_____	_____
<b>B. Distributions:</b>			
6. Secured Creditors	_____	_____	_____
7. Priority Creditors	_____	_____	_____

<<<Debtor Name  
<<<Case Number  
<<<Post Confirmation Quarterly Report  
<<<Page Two

8. Unsecured Creditors	_____	_____	_____
9. Equity Security Holders	_____	_____	_____
10. Other Payments or Transfers	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total Plan Payments (Sum of Lines 1-10)	_____	_____	_____

### Summary of Status on Consummation of Plan

Plan payments are current: Yes \_\_\_\_\_ No \_\_\_\_\_

If no, attach explanatory statement identifying payments not made (by creditor, amount, and date due), reason for non-payment, and an estimated date as to when payments will be brought current.

Quarterly fees due to the Clerk, United States Bankruptcy Court are current:  
Yes \_\_\_\_\_ No \_\_\_\_\_

Anticipated date of final report/motion for final decree: \_\_\_\_\_

**NOTE: You must file a quarterly fee statement with this report.**

----- FILE ORIGINAL WITH COURT.

----- DELIVER STAMPED COPY TO U.S. BANKRUPTCY ADMINISTRATOR.